

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**NATALIE NICOLE MCCOY**  
**Plaintiff,**

**vs.**


**Civil Action No. 21-CV-00695**

**KILOLO KIJAKAZI, ACTING COMMISSIONER  
SOCIAL SECURITY ADMINISTRATION**  
**Defendant.**

**ORDER GRANTING ATTORNEY'S FEES AND COSTS**

THE COURT having reviewed the parties' Unopposed Motion for Attorney Fees Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (Doc. 27), HEREBY ORDERS that attorney fees be, and hereby are, awarded under the EAJA, payable to Plaintiff but mailed to Plaintiff's attorney in the amount of \$8,611.00 in attorney fees. *See Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney). Plaintiff is also entitled to costs in the amount of \$44.30, which is to be paid from the Department of Justice's Judgment Fund, 28 U.S.C. § 2412, not agency funds.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that if Plaintiff McCoy's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10<sup>th</sup> Cir. 1986).

  
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Stephan M. Vidmar  
United States Magistrate Judge  
Presiding by Consent

Submitted by:

Electronically submitted 05/18/22

Nancy Cronin

Attorney for Plaintiff

Approved:

Electronically approved 05/16/22

Victoria V. Johnson

Special Assistant United States Attorney